

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	8:16cv233
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	
STABL, INC., (f/k/a Nebraska By- Products, Inc.), LANT, INC., LEON JOHNSON, and ANN JOHNSON,)	
)	
Defendants.)	
STATE OF NEBRASKA,)	8:16cv351
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	
STABL, INC., (f/k/a Nebraska By- Products, Inc.), LANT, INC., LEON JOHNSON, and ANN JOHNSON,)	
)	
Defendants.)	

On September 13, 2018, the undersigned was contacted in chambers telephonically by Katherine Matthews, counsel for the United States of America, Plaintiff in Case No. 8:16cv233, Maegan Woita, counsel for the State of Nebraska, Plaintiff in Case No. 8:16cv351, William Dittrick, counsel for Defendants in both cases, and James Luers of Wolfe, Snowden, Hurd, Luers, and Ahl, LLP, representing deponent Jack Wolfe, in the midst of his deposition. Counsel for the Plaintiffs represented that the Defendants had voluntarily disclosed purported attorney-client communications with Wolfe, asserting an advice-of-counsel defense, yet now invoked attorney-client privilege to preclude counsel

for Plaintiffs from verifying the accuracy of the disclosures. Accordingly, deponent Wolfe declined to respond to the questions, asserting his former clients' privilege.

The Court directed the deponent to respond to questions from Plaintiffs' counsel in the scope of the purported waiver, and acknowledged the preservation of Defendants' objection for the record and with respect to any future use of the testimony. *See United States v. Workman*, 138 F.3d 1261, 1263 (8th Cir. 1998).

DATED this 17th day of September, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge